

#4.15h
12-0303

Attorney Docket No.: DLLU-1001

Via Facsimile to: 703-872-9306

15 December 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant

EMERY W. DILLING

Filed: 12/22/2001

Serial No.: 10/028,336

For: PROSTHETIC AORTIC VALVE

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Art Unit: 3738

Examiner: Thomas C. Barrett

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Certificate of Transmission

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facsimile transmitted to the USPTO on the date
indicated below. Name: Dennis W. Gilstad

Dennis W. Gilstad

Signature: _____
Date: 15 December 2003

SUBSTANCE OF INTERVIEW REGARDING ELECTION/RESTRICTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to a first Office Action regarding a restriction requirement and election of species on the above application mailed 08/01/2003, Applicant elected Species I: Figure 1 without traverse, stating a belief that claims 1-8, 33 and 34 read on the invention illustrated in Figure 1. Related claims were also cited in this Election, which was received in OIPE on 08/16/2003.

A second Office Action regarding a restriction requirement and election of species on the above application was mailed 11/19/2003. The second Office Action listed the same species as the first Office Action and required restriction to one of two inventions as well as election of species.

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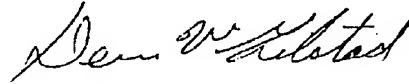
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In a telephone interview initiated by the undersigned with Examiner Barrett on 12/01/2003 the second Office Action was discussed in light of the Election made earlier by Applicant in response to the first Office Action. Examiner Barrett expressed a wish to continue the interview after consultation with his colleagues, calling the undersigned back later on 12/01/2003 and indicating that he would consider Species I: Figure 1 elected and would examine claims 1-8, 33 and 34 of the application without further response from Applicant.

Since Examiner Barrett stated in his return call that no written response to the second Office Action was required from Applicant, this Substance of Interview, in combination with the interview itself, is understood by Applicant to constitute a complete response to the second Office Action.

Respectfully submitted,



15 December 2003

Dennis W. Gilstad, Reg. No. 36,810
Customer No. 30150
ATTORNEY OF RECORD

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To: **U.S. Patent & Trademark Office**
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From: **Dennis Gilstad**
Fax number: 210-493-5601
Business phone:
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Date & Time: 12/15/2003 1:08:40 PM
Pages: 3
Re: Substance of Interview re Election/Restriction, S/N 10/028,336

Substance of telephone Interview with Examiner Barrett on 12/01/2003 regarding second Office Action requiring restriction and election of species. Species I: Figure 1 elected without traverse, claims 1-8, 33 and 34 to be examined.